



Journal of the Senate

Number 19

Tuesday, March 2, 1982

BILL ACTION SUMMARY

Tuesday, March 2, 1982

H 0093	Substituted for SB 79, Passed
H 0256	Substituted for C/S SB 207, Passed
H 0306	Passed
H 0449	Concurred, Passed as amended
H 0640	Concurred, Passed as amended
H 1004	Passed
S 0009	Passed as amended
S 0012	Passed as amended
S 0079	Idea./Sim. House Bill substituted, passed; refer to HB 93
S 0092	Passed as amended
S 0096	Passed as amended
S 0129	C/S passed as amended
S 0154	Passed as amended
S 0160	Passed
S 0161	Passed
S 0185	Passed as amended
S 0192	Passed as amended
S 0207	Idea./Sim. House Bill substituted, passed; refer to HB 256
S 0263	C/S passed as amended
S 0275	Passed
S 0279	Passed
S 0302	Passed
S 0350	C/S passed as amended
S 0440	Passed as amended
S 0459	C/S passed as amended
S 0573	Passed as amended
S 0585	Passed as amended
S 0590	Passed as amended
S 0591	C/S passed as amended
S 0595	C/S passed
S 0608	C/S passed as amended
S 0615	Passed as amended
S 0637	Passed as amended
S 0646	Passed
S 0655	Passed as amended
S 0656	Passed
S 0680	Passed
S 0688	Passed as amended
S 0811	Reconsidered, Passed as amended
S 0833	C/S passed
S 0884	Passed as amended
S 0896	Passed
S 0947	Passed
S 0984	Amendment pending
S 1020	Passed, Immediately certified
S 1021	Adopted

The Senate was called to order by the President at 9:00 a.m.
A quorum present—38:

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Tobiasen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Excused: Senators Ware and Barron

Prayer by the Rev. Austin E. Hollady, Minister/Director, Wesley Foundation, Florida State University, Tallahassee:

"The earth is the Lord's and the fulness thereof, the world and those who dwell therein." (Psalm 24:1)

That, in essence, O Holy One, is what we stand to acknowledge in this moment. You are the Lord. It is you who has made us and not we ourselves. We are your people, and the sheep of your pasture. The reins of life still rest in your hands.

That awareness is the assurance and hope with which we greet this new day and assume our respective responsibilities in it. We are not alone. The Lord of Hosts is with us.

May his Spirit rest upon our labors; touch the deepest longings, hurts, and concerns of our hearts; uphold and protect those whom we hold so dear, be they near or far away; and use us more fully as channels by which his love may reach down and touch this planet earth in a redemptive and healing way at the very place where we live out our days. Amen.

The Senate pledged allegiance to the flag of the United States of America.

Votes Recorded

Senator Hair was recorded as voting yea on the following bills which passed the Senate on February 25: HB 112, SB 811, CS for SB 757, CS for HB 34 and CS for SB 407.

Senator Lewis was recorded as voting yea on SB 462 which passed February 16.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, March 2, 1982, after the Consent Calendar: CS for SB 10, CS for SB 201, CS for SB 278 & SB 333, SB 876, SM 563, HB 180, SB 49, SB 245, SB 340, SB 417, CS for SB 686, SB 832, SB 852, CS for SB 868, CS for SB 879, CS for SB 914, SB 924, CS for SB 376, SB 149, SB 167, SB 479, SB 581, SB 871, SB 235, SB 187, SB 639, CS for SB 649, CS for SB 78, CS for SB 166, SB 246, SB 447, SB 498, SB 813, SB 486, SB 679, SB 637

Respectfully submitted,
Edgar M. Dunn, Jr., Chairman

The Special Master for Claims recommends the following pass: SB 232, SB 291, HB 238, HB 119

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SJR 369, SB 848

The bills were referred to the Committee on Rules and Calendar under the original reference.

The Committee on Finance, Taxation and Claims recommends the following pass: SB 29, CS for SB 269 with 2 amendments, SB 392, SB 629 with 3 amendments, SB 706 with 2 amendments, CS for Senate Bills 776 and 806 with 3 amendments, SB 980

The bills were placed on the calendar.

The Special Master for Claims recommends the following not pass: HB 568, HB 771, HB 467, HB 520, SB 361, SB 362, SB 363

The bills were referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.

The Committee on Education recommends committee substitutes for the following: SB 304, SB 391, Senate Bills 678, 970 and 483

The Committee on Governmental Operations recommends a committee substitute for the following: SB 936

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 963, SB 472, SB 630, SB 760, SB 932

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: CS for SB 559, SB 662

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 743

The bill with committee substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 944

The bill with committee substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 544

The bill with committee substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 869

The bill with committee substitute attached was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 367

The bill with committee substitute attached was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Education recommends a committee substitute for the following: SB 805

The Committee on Health and Rehabilitative Services recommends committee substitutes for the following: SB 490, SB 541, SB 684, SB 723, SB 746, CS for Senate Bills 751 and 540, SB 756

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 647

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

REQUESTS FOR EXTENSION OF TIME

March 2, 1982

The Committee on Education requests an extension of 15 days for consideration of the following: SB 428, SB 429, SB 430, SB 442, SB 445, SB 451, SB 698, SB 701, SB 709, SB 711,

SB 712, SB 752, SB 768, SB 800, SB 818, SB 865, SB 866, SB 867, SCR 845

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following: SM 475, CS for SB 105, SB 209, SM 700, SJR 719, SCR 761, SB 850, HM 94, HB 945

The Committee on Apportionment requests an extension of 15 days for consideration of the following: SB 854, HB 1030, HB 1031

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: SB 174, SB 234, SB 272, SB 347, SB 399, SB 416, SB 457, SB 494, SB 512, SB 577, SB 825, SB 851, SB 901, SB 955, CS for HB 332

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Beard, the rules were waived and by two-thirds vote HB 937 was withdrawn from the Committee on Transportation.

On motion by Senator Steinberg, the rules were waived and by two-thirds vote SB 954 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Hill, the rules were waived and by two-thirds vote SB 471 was withdrawn from the Committee on Personnel, Retirement and Collective Bargaining.

On motions by Senator Tobiassen, the rules were waived and by two-thirds vote SB 742 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Rules and Calendar.

On motions by Senator Gordon, the rules were waived and by two-thirds vote CS for SB 289, CS for SB 620, CS for SB 981 were withdrawn from the Committee on Appropriations.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 209 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Steinberg, by two-thirds vote SB 28 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Johnston, by two-thirds vote Senate Bills 243 and 579 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Margolis, by two-thirds vote Senate Bills 632 and 703 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Dunn, by two-thirds vote SB 952 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Peterson, the rules were waived and Appropriations Subcommittee B was granted permission to meet March 3 from 5:00 p.m. until completion of the agenda.

On motion by Senator McKnight, the rules were waived and the Committee on Health and Rehabilitative Services was granted permission to consider CS for SB 705 on March 3.

On motion by Senator Hair, the rules were waived and the Committee on Commerce was granted permission to consider Senate Bills 54 and 759 on March 2.

On motion by Senator Carlucci, the rules were waived and the Committee on Corrections, Probation and Parole was granted permission to consider HB 193 this day.

On motion by Senator Gordon, by two-thirds vote CS for SB 844 was removed from the calendar and recommitted to the Committee on Appropriations.

On motion by Senator Anderson, the meeting of the Committee on Agriculture scheduled for March 3 was cancelled.

Senator Hair presiding

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2 and 3 and has amended Senate Amendment 1, concurred in same as amended and passed HB 640, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Transportation—

HB 640—A bill to be entitled An act relating to Department of Transportation construction contracts; amending s. 337.18(2), Florida Statutes, providing a schedule for liquidated damages with respect to the failure of certain contractors to complete work on time; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 1, line 12, Insert: after the word "determines" and *adequately documents*

House Amendment 2 to Senate Amendment 1—On page 1, line 22, strike: "180" and insert: 100

On motions by Senator Beard, the Senate concurred in the House amendments.

HB 640 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Hair	Lewis	Scott
Anderson	Henderson	Margolis	Skinner
Beard	Hill	Maxwell	Steinberg
Carlucci	Jenkins	McClain	Stevens
Childers, D.	Jenne	McKnight	Stuart
Dunn	Jennings	Peterson	Thomas
Frank	Johnston	Poole	Tobiasen
Gersten	Kirkpatrick	Rehm	Trask
Grizzle	Langley	Renick	Vogt

Nays—None

Vote after roll call:

Yea—Neal

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 2 and amended Senate Amendment 1, concurred in same as amended and passed HB 449, as amended, and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Regulatory Reform—

HB 449—A bill to be entitled An act relating to legislative review of advisory bodies, commissions, and boards of trustees adjunct to executive agencies; amending s. 11.611, Florida Statutes; providing legislative intent; providing definitions; repealing various provisions of law relating to advisory bodies, commissions, and boards of trustees adjunct to executive agencies; providing for review of such provisions prior to repeal; providing for periodic review of advisory bodies, commissions, and boards of trustees adjunct to executive agencies

which are continued, reestablished, or created; prescribing criteria to be used in such review; prescribing criteria to be used in continuing, reestablishing, or creating such units of government; deleting provision for a joint select committee; providing for minutes of meetings to be kept; providing for approval of appropriations committees prior to expenditure of funds by nonstatutory committees which have been in existence for 1 year; providing for the abolition of units of government and the preservation of records; preserving certain causes of action; providing for effect on pending prosecutions, investigations, or disciplinary actions; amending s. 20.03(7), (8), and (10), Florida Statutes, and adding a subsection; providing definitions; adding a subsection to s. 216.031, Florida Statutes; providing for a schedule to accompany executive agency budget requests; requiring the Division of Statutory Revision to place a list of repealed entities in the Florida Statutes; repealing chapter 78-323, Laws of Florida, and s. 11.6115, Florida Statutes, as amended, relating to the Sundown Act; repealing various provisions of the Laws of Florida which repeal various laws relating to advisory bodies, commissions, and boards of trustees adjunct to executive agencies and which require such laws to be reviewed pursuant to the Sundown Act; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 16, lines 12-18, strike all of said lines and renumber subsequent sections.

On motion by Senator Steinberg, the Senate concurred in the House amendment.

HB 449 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Tobiasen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Nays—None

On motion by Senator Dunn, the rules were waived and HB 1004 was withdrawn from the Committee on Economic, Community and Consumer Affairs and placed at the end of the consent calendar.

On motion by Senator Tobiasen, the rules were waived by unanimous consent and the Senate reverted to Introduction for the purpose of introducing the following bill out of order:

INTRODUCTION

By Senators Tobiasen and W. D. Childers—

SB 1020—A bill to be entitled An act relating to the City of Destin in Okaloosa County; providing for the charter of a municipal corporation known as the City of Destin; defining the territorial limits of said city; prescribing the form of government for said city; conferring certain powers upon the municipality and its officers; providing a referendum; providing an effective date.

—was read the first time by title. On motions by Senator Tobiasen, the rules were waived and the bill was placed on the calendar and by unanimous consent taken up out of order.

On motions by Senator Tobiasen, by two-thirds vote SB 1020 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Carlucci	Frank	Grizzle
Anderson	Childers, D.	Gersten	Hair
Beard	Dunn	Gordon	Henderson

Hill	Lewis	Poole	Stevens
Jenkins	Margolis	Rehm	Stuart
Jennings	Maxwell	Renick	Thomas
Johnston	McClain	Scott	Tobiasen
Kirkpatrick	McKnight	Skinner	Trask
Langley	Neal	Steinberg	Vogt

Nays—None

Vote after roll call:

Yea—Peterson

On motion by Senator Tobiasen, the rules were waived and SB 1020 was ordered immediately certified to the House.

On motion by Senator Kirkpatrick, the rules were waived and the Senate immediately reconsidered the vote by which—

SB 811—A bill to be entitled An act relating to forest protection; amending s. 590.02(4)(a), Florida Statutes, increasing the maximum number of certain special officers appointed by the Governor and serving under the Department of Agriculture and Consumer Services; amending s. 590.12, Florida Statutes, relating to the requirements and procedures with respect to the lawful burning of land; amending s. 590.29(2), Florida Statutes, relating to the illegal possession of any incendiary device; providing an effective date.

—as amended passed February 25.

The President presiding

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—In title on page 1, line 3, strike the word “increasing” and insert: stating

On motion by Senator Kirkpatrick, SB 811 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Hair	Margolis	Scott
Anderson	Henderson	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jennings	Neal	Thomas
Dunn	Johnston	Peterson	Tobiasen
Frank	Kirkpatrick	Poole	Trask
Gersten	Langley	Rehm	Vogt
Grizzle	Lewis	Renick	

Nays—None

SPECIAL ORDER

SJR 9—A joint resolution proposing an amendment to Section 3, Article III of the State Constitution, relating to the legislature, to allow the date for convening of a regular session to be fixed by law.

—was read the second time.

The Committee on Rules and Calendar recommended the following amendment which was moved by Senator Dunn:

Amendment 1—On page 2, between lines 23 and 24, insert:

SECTION 4. Quorum and procedure.—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present the vote of each member voting on any question shall be entered on the journal.

(d) *By a majority vote of its membership each house may discipline ~~punish~~ a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member. Upon call of the presiding officer, either house shall convene for such purposes whether or not the other house is in session.*

SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have ~~thirty~~ fifteen consecutive days from the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the house in which the bill originated if in session. If that house is not in session, he shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

(c) If each house shall, by a two-thirds vote, reenact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding. *A vetoed bill or vetoed specific appropriation shall not be considered later than the adjournment of the next regular session following the session in which such bill or appropriation was passed.*

SECTION 11. Prohibited special laws.—

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment of collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;

(3) rules of evidence in any court;

(4) punishment for crime;

(5) petit juries, including compensation of jurors, except establishment of jury commissions;

(6) change of civil or criminal venue;

(7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(8) refund of money legally paid or remission of fines, penalties or forfeitures;

(9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts.

(10) disposal of public property, including any interest therein, for private purposes;

(11) vacation of roads;

(12) private incorporation or grant of privilege to a private corporation;

(13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(14) change of name of any person;

(15) *dissolution of marriage* ~~divorce~~;

(16) legitimation or adoption of persons;

(17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

SECTION 18. Impeachment.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, and judges of circuit courts, and judges of county courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote of the membership shall have the power to impeach an officer and upon the call of the speaker shall convene for this purpose whether or not the senate is in session. The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by him, shall preside at the trial, except in a trial by the chief justice or another justice, in which case the presiding officer shall be a judicial officer other than a justice and selected in a manner provided by law ~~governor shall preside~~. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the membership ~~members~~ of the senate ~~present~~. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

Senators Scott and Skinner offered the following amendment to Amendment 1 which was moved by Senator Scott and adopted:

Amendment 1A—On page 2, lines 5 and 6, strike the words “thirty fifteen” and insert: fifteen

Amendment 1 as amended was adopted.

The Committee on Rules and Calendar recommended the following amendments which were moved by Senator Dunn and adopted:

Amendment 2—On page 2, line 31, strike the period (.) and insert: ; allowing each house to discipline members by majority vote and to convene for such purpose whether or not the other house is in session; allowing the Governor thirty days from the date of presentation to act on a bill under certain circumstances; prohibiting a vetoed measure from being considered by the Legislature later than the adjournment of the next regular session; prohibiting special acts pertaining to dissolution of marriage rather than divorce; and providing for the impeachment and trial of judges of county court, requiring a vote of two-thirds of the membership of the House to impeach, allowing the House to convene for impeachment upon the call of the Speaker and to convene for such purposes whether or not the Senate is in session, specifying the presiding officer at impeachment trials of the Chief Justice or another justice

of the Supreme Court, and requiring a two-thirds vote of the membership of the Senate for conviction in an impeachment trial.

Amendment 3—In title on page 1, strike all of lines 3-6 and insert: Article III of the State Constitution, relating to the legislature, to allow the date for a regular session to be fixed by law; to provide for discipline of members of each house; to provide for gubernatorial action on bills; to prescribe procedures for vetoed bills; to prohibit special acts relating to dissolution of marriage; and to prescribe impeachment procedures.

On motion by Senator Henderson, by two-thirds vote SJR 9 as amended was read the third time in full, passed by the required constitutional three-fifths vote of the membership, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Tobiassen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Langley	Renick	
Grizzle	Lewis	Scott	

Nays—None

CS for SB 984—A bill to be entitled An act relating to termination of pregnancy; amending s. 390.001(2), (4), Florida Statutes; prohibiting termination of a pregnancy outside of a licensed hospital after the first trimester; providing for written evidence of informed consent prior to terminating a pregnancy; specifying persons from whom such consent is required; requiring the Department of Health and Rehabilitative Services to prepare a form for physicians to use in obtaining such consent; requiring the physician to provide certain information; prescribing conditions under which a court may authorize the termination of a pregnancy; authorizing pregnant minors to participate in court proceedings; providing for expedited court proceedings; amending s. 390.002, Florida Statutes; specifying information to be included in records; providing deadline for filing copy of record; providing penalties; creating s. 390.026, Florida Statutes; providing a rule of construction; providing severability; providing an effective date.

—was taken up with pending amendment 5 which was adopted:

Amendment 5—On page 3, strike lines 19 and 20 and insert: seek the informed consent of her parent, parents, guardian, or legal custodian, as the case may be, the minor woman may petition the

Senator Dunn moved the following amendments which were adopted:

Amendment 6—On page 2, line 31, strike “and is under” and on page 3, line 1, “18 years of age and unmarried” and insert: or a parent (hereafter referred to as the “minor women”).

Amendment 7—On page 3, lines 30 and 31 and on page 4, lines 1-6, strike all of said lines and insert: proceedings in proper person or through her attorney. If the minor woman does not have an attorney, the court shall appoint one to advise her on her rights under this chapter and to represent her in the proceeding. The court proceeding held pursuant to this paragraph shall be conducted in a manner so as to protect the minor woman's anonymity, and the proceeding shall be given precedence over other matters pending before the court in order to ensure that the proceeding is expedited and a final order on the petition is made expeditiously.

4. The court shall make in writing specific findings of fact and conclusions of law supporting its decision and order.

Amendment 8—On page 4, line 15, strike the words “is not sufficiently mature or”

Amendment 9—On page 4, after line 20 insert: 5. In making its determination as to whether the minor woman is mature and well enough informed to make her decision terminating her pregnancy.

the court shall consider:

- a. Whether the pregnant minor has previously borne a child;
 - b. Prior personal, family and social experience of the minor;
 - c. The age of the minor; and
 - d. Any other facts the court deems relevant.
6. In making its determination with regard to the best interest of the minor woman, the court shall consider:
- a. The likely medical consequences to the minor woman of continuing to carry the child to term and the likely medical consequences of terminating the pregnancy;
 - b. The likely psychological consequences to the minor woman of continuing to carry the child to term and the likely medical consequences of terminating the pregnancy;
 - c. The likely social consequences to the minor woman of continuing to carry the child to term and the likely consequences of terminating the pregnancy;
 - d. The likely medical consequences to the child that may be borne by the minor woman if the child is carried to term, and
 - e. Any other facts the court deems relevant.

Senator Margolis moved the following amendment which failed:

Amendment 10—On page 2, strike lines 5 and 6, and insert: *it is performed in a licensed facility.*

Senator Gersten moved the following amendments which failed:

Amendment 11—On page 3, strike all of lines 3-31 and on page 4, strike all of lines 1-20 and insert: *to her informed consent, a writing evidencing notification of a parent of the minor woman. written request, the physician shall obtain the written informed consent of a parent,*

Amendment 12—On page 3, line 5, after the word “of”, insert: *one of*

Senator Gersten moved the following amendment which was adopted:

Amendment 13—On page 3, line 16, strike the words “one or”

On motion by Senator Gersten the Senate reconsidered the vote by which Amendment 13 was adopted. Amendment 13 was withdrawn.

Senator Gersten moved the following amendment which was adopted:

Amendment 14—On page 7, lines 12 and 13, after the word “who”, insert: *intentionally*

Senator Hair presiding

Senator Gordon moved the following amendment which failed:

Amendment 15—On page 3, line 5, after “parents” insert: *or a clergyman as defined in s. 90.505(1)(a)*

On motion by Senator Dunn the Senate reconsidered the vote by which Amendment 12 failed. Amendment 12 was adopted.

On motion by Senator Dunn, without objection, the Senate reconsidered the vote by which Amendment 13 was withdrawn. The question recurred on Amendment 13 which was adopted.

Senator Frank moved the following amendment:

Amendment 16—On page 5, lines 6-16, hyphen through all of said lines

Further consideration of CS for SB 914 was deferred.

The President presiding

On motion by Senator Frank, the rules were waived by unanimous consent and the Senate reverted to Introduction and Reference of Bills for the purpose of introducing the following resolution out of order:

INTRODUCTION

By Senator Frank—

SR 1021—A resolution recognizing and commending College Bowl teams from the University of Florida and Florida State University.

—which was read the first time by title. On motion by Senator Frank, SR 1021 was read the second time in full and adopted. The vote on adoption was:

Yeas—37

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Jenkins	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

Senator Frank introduced the members of the College Bowl teams to the Senate and copies of SR 1021 were presented to them.

The Senate resumed consideration of—

CS for SB 984—A bill to be entitled An act relating to termination of pregnancy; amending s. 390.001(2), (4), Florida Statutes; prohibiting termination of pregnancy outside of a licensed hospital after the first trimester; providing for written evidence of informed consent prior to terminating a pregnancy; specifying persons from whom such consent is required; requiring the Department of Health and Rehabilitative Services to prepare a form for physicians to use in obtaining such consent; requiring the physician to provide certain information; prescribing conditions under which a court may authorize the termination of a pregnancy; authorizing pregnant minors to participate in court proceedings; providing for expedited court proceedings; amending s. 390.002, Florida Statutes; specifying information to be included in records; providing deadline for filing copy of record; providing penalties; creating s. 390.026, Florida Statutes; providing a rule of construction; providing severability; providing an effective date.

Senator Poole moved that debate be limited to 5 minutes on the bill and all amendments.

Senator Dunn moved as a substitute motion that the Senate take up the consent calendar at 11:35 a.m. The motion was adopted.

The Senate resumed consideration of Amendment 16 which failed.

Senator Frank moved the following amendment which failed:

Amendment 17—On page 5, line 16, after the period, insert: *If a husband has, in an extra-marital relationship, caused a*

woman, other than his wife to conceive, and such woman seeks a termination of pregnancy, notice shall be given the wife of such proposed termination by the physician. If the husband and wife are separated or estranged, such notice shall not be required.

The vote was:

Yeas—15

Anderson	Gordon	Jennings	McKnight
Beard	Grizzle	Johnston	Steinberg
Frank	Hill	Lewis	Stuart
Gersten	Jenne	Margolis	

Nays—17

Carlucci	Langley	Poole	Thomas
Childers, D.	Maxwell	Rehm	Trask
Dunn	McClain	Renick	
Hair	Neal	Skinner	
Jenkins	Peterson	Stevens	

Senator Anderson moved the following amendment:

Amendment 18—On page 5, strike line 27 and insert: *and content. Unless medically contraindicated, the informed consent shall provide for the*

The hour of 11:35 a.m. having arrived the Senate proceeded to consideration of—

CONSENT CALENDAR

SB 12—A bill to be entitled An act relating to exemptions from the sales, rental, storage and use tax; amending s. 212.08(7)(a), (b), (c), Florida Statutes; providing a limitation on the exemption from such tax provided on articles of tangible personal property sold or leased by or to religious, charitable, or veteran organizations; providing an exception to such limitation under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 2, strike lines 1 through 6, and insert: activities, including church cemeteries. *The exemption shall only apply to such churches, nonprofit institutions, or veteran organizations as are located within this state, except that a temporary exemption may be granted to such otherwise qualified churches,*

Amendment 2—On page 3, line 3, strike “located” and insert: *located*

Senator Steinberg moved the following amendments which were adopted:

Amendment 3—On page 3, between lines 14 and 15, insert: Section 2. Paragraphs (a) and (c) of subsection (7) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, storage, use tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following tangible personal property are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(a) Religious, charitable, educational, and veteran.—There shall be exempt from the tax imposed by this chapter articles of tangible personal property sold or leased direct to or by churches or sold or leased to nonprofit religious, nonprofit educational, or nonprofit charitable institutions and state headquarters for veteran organizations when used in carrying on their customary nonprofit religious, nonprofit educational, nonprofit charitable, or veteran organization activities, including church cemeteries. *If a qualified veteran organization or its*

auxiliary does not maintain a permanent state headquarters, then the sale or lease of articles of tangible personal property used to maintain the office of the highest ranking state official of such an organization shall be exempt from the tax imposed by this chapter.

(c) Restrictive definitions.—The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

1. “Religious institutions” shall mean churches and established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on.

2. “Educational institutions” shall mean state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and eligible for exemption. The term “educational institutions” shall include private nonprofit corporations whose purpose is to raise funds for colleges and universities located in this state.

3. “Charitable institutions” shall mean only nonprofit corporations operating physical facilities in Florida at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

4. “Veteran organizations” shall mean *those organizations composed of war veterans and organized in the United States that hold nationally chartered veteran organizations holding a current exemption from federal income tax under s. 501(c)(19) of the Internal Revenue Code, or, in the case of the Disabled American Veterans, Department of Florida, Inc., and the various chapters of the Paralyzed Veterans of America, Inc., and its auxiliaries, under s. 501(c)(4) of said code, and that are either:*

a. Chartered by the Congress of the United States; or

b. Recognized as a national organization by the Veterans Administration to represent veterans before that federal agency in obtaining federal benefits.

(Renumber subsequent section.)

Amendment 4—In title on page 1, line 10, after the semicolon “;” insert: amending s. 212.08(7)(a) and (c), Florida Statutes, exempting from said tax sales to certain veteran organizations and their auxiliaries; redefining “veteran organizations”

On motion by Senator Steinberg, by two-thirds vote SB 12 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Margolis	Scott
Beard	Hill	Maxwell	Skinner
Carlucci	Jenkins	McClain	Steinberg
Childers, D.	Jenne	McKnight	Stevens
Dunn	Jennings	Neal	Stuart
Frank	Johnston	Peterson	Thomas
Gersten	Kirkpatrick	Poole	Trask
Gordon	Langley	Rehm	Vogt
Grizzle	Lewis	Renick	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Tobiassen

On motion by Senator Trask, the rules were waived and by two-thirds vote HB 93 was withdrawn from the Committee on Finance, Taxation and Claims.

On motion by Senator Trask—

HB 93—A bill to be entitled An act relating to the Florida Citrus Code; amending s. 601.15(9)(b), Florida Statutes, ex-

tending application of the excise tax collection provisions of the section to include all citrus excise taxes in chapter 601, Florida Statutes; deleting obsolete language; amending s. 601.55(1) and (2), Florida Statutes, clarifying language relating to citrus fruit dealer's license classifications; eliminating the present delinquent renewal classification; providing for "repeat applications" for licenses; specifying license terms; adding subsection (4) to s. 601.56, Florida Statutes, providing that certain license applications shall not be processed or denied under certain conditions and providing for notification; amending s. 601.57(7), Florida Statutes, relating to conditional citrus fruit dealers' licenses; amending s. 601.58, Florida Statutes, providing for the handling of approved applications; requiring notice of temporary or conditional nature of licenses on the face thereof; clarifying the nature of application disapproval; amending s. 601.67(3), Florida Statutes, providing for license suspension upon failure to comply with an order to pay a fine; providing a 60-day suspension period; providing for continuation of suspension against a subsequent license; providing for review and repeal in accordance with the Regulatory Sunset Act; providing an effective date.

—a companion measure, was substituted for SB 79 and read the second time by title. On motion by Senator Trask, by two-thirds vote HB 93 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Margolis	Scott
Beard	Hill	Maxwell	Skinner
Carlucci	Jenkins	McClain	Steinberg
Childers, D.	Jenne	McKnight	Stevens
Dunn	Jennings	Neal	Stuart
Frank	Johnston	Peterson	Thomas
Gersten	Kirkpatrick	Poole	Trask
Gordon	Langley	Rehm	Vogt
Grizzle	Lewis	Renick	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Tobiassen

SB 79 was laid on the table.

SB 92—A bill to be entitled An act relating to local occupational license taxes; amending ss. 205.033(1)(b) and 205.043(1)(b), Florida Statutes, providing limitations on certain occupational license taxes levied by counties and municipalities; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Jennings and adopted:

Amendment 1—On page 1, line 27, before the word "Said" insert: *Beginning October 1, 1982,*

Amendment 2—On page 2, line 19, before the word "Said" insert: *Beginning October 1, 1982,*

Amendment 3—On page 2, line 25, strike "July 1, 1982" and insert: *October 1, 1982*

On motion by Senator Jennings, by two-thirds vote SB 92 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Gordon	Johnston	Neal
Beard	Grizzle	Langley	Peterson
Carlucci	Hair	Lewis	Poole
Childers, D.	Hill	Margolis	Rehm
Dunn	Jenkins	Maxwell	Renick
Frank	Jenne	McClain	Scott
Gersten	Jennings	McKnight	Steinberg

Stevens	Thomas	Trask	Vogt
Stuart			

Nays—None

Vote after roll call:

Yea—W. D. Childers, Tobiassen

SB 96—A bill to be entitled An act relating to education; requiring the Department of Education to grant a fellowship in a specified amount to any former student member of the Board of Regents; providing conditions for issuance of the fellowship; requiring inclusion in the budget of the department; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Gordon and adopted:

Amendment 1—On page 1, line 15, after the word "Regents" insert: , confirmed by the Senate, and

On motion by Senator Gordon, by two-thirds vote SB 96 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Beard	Hill	Maxwell	Scott
Childers, D.	Jenkins	McClain	Skinner
Dunn	Jenne	McKnight	Stevens
Frank	Jennings	Neal	Stuart
Gersten	Johnston	Peterson	Thomas
Gordon	Kirkpatrick	Poole	Trask
Grizzle	Lewis	Rehm	Vogt
Hair	Margolis	Renick	

Nays—4

Anderson	Carlucci	Langley	Steinberg
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Vote after roll call:

Yea—W. D. Childers, Tobiassen

Yea to Nay—Neal

Nay to Yea—Steinberg

By the Committee on Finance, Taxation and Claims and Senator Johnston—

CS for SB 129—A bill to be entitled An act relating to trust and agency investment matters; amending s. 215.45, Florida Statutes; establishing the authorized sales price for sales under call options; creating s. 215.455, Florida Statutes; authorizing the loan of securities; amending s. 215.47(3), Florida Statutes; adding s. 215.47(1)(l), (m), (2)(i) and (j), (6), (7), Florida Statutes; authorizing the investment of public funds in prime commercial paper and bankers acceptances; increasing the percentage of state trust funds and agency funds which can be invested in common stocks; revising the criteria for investment in common stock; authorizing the use of options in selling or purchasing portfolio securities; authorizing repurchase agreements and reverse repurchase agreements; authorizing the investment of public funds in prime commercial paper and bankers acceptances and certain interests in real or related personal property; requiring that investments be designed to maximize the financial return to the fund; adding s. 215.50(5), Florida Statutes; authorizing registration of certain securities in the name of a third party; providing circumstances under which the State Treasurer is not personally liable; adding s. 215.515(3), Florida Statutes; providing for investment of the State Board of Administration Administrative Expense Trust Fund; amending s. 218.407(1), Florida Statutes; conforming a cross-reference; providing an effective date.

—was read the first time by title and SB 129 was laid on the table.

On motion by Senator Johnston, by two-thirds vote CS for SB 129 was read the second time by title.

Senator Johnston moved the following amendment which was adopted:

Amendment 1—On page 5, strike lines 9-14 and reletter subsequent paragraphs

On motion by Senator Johnston, by two-thirds vote CS for SB 129 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Margolis	Scott
Beard	Hill	Maxwell	Skinner
Carlucci	Jenkins	McClain	Steinberg
Childers, D.	Jenne	McKnight	Stevens
Dunn	Jennings	Neal	Stuart
Frank	Johnston	Peterson	Thomas
Gersten	Kirkpatrick	Poole	Trask
Gordon	Langley	Rehm	Vogt
Grizzle	Lewis	Renick	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Tobiassen

SB 154—A bill to be entitled An act relating to the state communications system; creating s. 287.255, Florida Statutes; requiring the Division of Communications of the Department of General Services to adopt rules relating to eligibility to use the state communications system; requiring the division to periodically review the qualifications of users of the system and terminate eligibility for those found unqualified; amending s. 287.272, Florida Statutes; authorizing certain nonprofit corporations to use the system, subject to limitations; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Steinberg and adopted:

Amendment 1—On page 2, between lines 7 and 8 insert:

(4) Nothing in this section shall be construed to limit or restrict the ability of the Florida Public Service Commission to set jurisdictional tariffs of telephone companies.

Senator Rehm moved the following amendments which were adopted:

Amendment 2—On page 3, strike all of lines 1 and 2 and insert: Section 3. Section 287.251, Florida Statutes, is created to read:

287.251 Use of state communications system by municipalities.—Any municipality established as provided in s. 2(a), Art. VIII of the State Constitution may request the Division of Communications to provide for utilization of the state long distance communications system upon such terms and under such conditions as the division may establish. The requesting municipality shall pay its share of all the costs to include all connection charges, service charges, and the cost of additional equipment required to connect that municipality to the state long distance communications system.

Section 4. This act shall take effect upon becoming a law.

Amendment 3—In title on page 1, line 13, after the semicolon (;) insert: creating s. 287.251, Florida Statutes, authorizing municipalities to use the system under certain conditions;

On motion by Senator Steinberg, by two-thirds vote SB 154 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Carlucci	Dunn	Gersten
Beard	Childers, D.	Frank	Gordon

Grizzle	Kirkpatrick	Poole	Thomas
Hair	Lewis	Rehm	Tobiassen
Hill	Margolis	Renick	Trask
Jenkins	Maxwell	Scott	Vogt
Jenne	McClain	Skinner	
Jennings	McKnight	Steinberg	
Johnston	Neal	Stevens	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Langley, Peterson

SB 160—A bill to be entitled An act relating to court reporting; amending s. 29.01, Florida Statutes; establishing a limit on the number of official court reporters in each judicial circuit; providing certain responsibilities; amending s. 29.04, Florida Statutes; removing certain responsibilities; deleting exception for Volusia County regarding compensation; amending s. 29.05, Florida Statutes; deleting provision setting transcript fees in criminal cases; amending s. 29.06, Florida Statutes; removing reference to transcripts written out in longhand; repealing ss. 29.02, 29.03, 29.10, Florida Statutes, relating to duties of court reporters, compensation for court reporting services, and court reporters in the first judicial circuit; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 160 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Andersor.	Grizzle	Lewis	Scott
Beard	Hair	Margolis	Steinberg
Carlucci	Hill	Maxwell	Stevens
Childers, D.	Jenne	McKnight	Stuart
Dunn	Jennings	Neal	Thomas
Frank	Johnston	Peterson	Tobiassen
Gersten	Kirkpatrick	Rehm	Trask
Gordon	Langley	Renick	Vogt

Nays—None

Vote after roll call:

Yea—W. D. Childers, McClain, Poole

SB 161—A bill to be entitled An act relating to cemeteries; adding s. 559.31(1)(f), Florida Statutes; exempting certain church-owned columbaria from chapter 559, part IV, Florida Statutes; providing an effective date.

—was read the second time by title. On motion by Senator Stevens, by two-thirds vote SB 161 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Hair	McClain	Steinberg
Beard	Hill	McKnight	Stevens
Carlucci	Jennings	Neal	Stuart
Childers, D.	Johnston	Peterson	Thomas
Dunn	Kirkpatrick	Poole	Tobiassen
Frank	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Gordon	Margolis	Scott	
Grizzle	Maxwell	Skinner	

Nays—1

Jenne

Vote after roll call:

Yea—W. D. Childers

SB 185—A bill to be entitled An act relating to education; amending ss. 230.23(10)(b), (g), 230.33(12)(b), (13)(b), 237.041, 237.081, 237.171(3), 237.34(3)(c), Florida Statutes; deleting the requirements that each district school board submit its adopted annual school budget, annual report on attendance and

personnel, and certain financial reports to the Department of Education; deleting the requirement that the department approve such budgets; requiring the Auditor General to determine compliance with statutory requirements relating to budget adoption; repealing s. 234.071, Florida Statutes, relating to the requirement that school boards arrange for surveys of school transportation routes; providing an effective date.

—was read the second time by title.

The Committee on Education recommended the following amendment which was moved by Senator Maxwell and adopted:

Amendment 1—On page 6, strike line 7 and insert:

Section 8. Subsection (10) of section 230.33, Florida Statutes, is amended to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(10) TRANSPORTATION OF PUPILS.—Ascertain which pupils should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these pupils; ~~recommend such routing to the school board~~; recommend plans and procedures for providing facilities for the economical and safe transportation of pupils; recommend such rules ~~and regulations~~ relating to the transportation of pupils approved by the school board, as well as ~~rules regulations~~ of the state board, are properly carried into effect, as prescribed in chapter 234.

Section 9. Section 234.061, Florida Statutes, is amended to read:

234.061 Designation of routes and nontransportation zones.—Each school board, after considering recommendations from the superintendent, shall ~~provide, by school board rule, for the designation of or designate, by map or otherwise, nontransportation zones which shall be composed of all areas in the district from which it is unnecessary or impracticable to furnish transportation. Nontransportation zones shall be designated annually prior to the opening of school and the designation of bus routes for the succeeding school year. Each school board, after considering recommendations from the superintendent, shall provide, by school board rule, for the designation of specific routes or specifically designate annually, the route to be traveled regularly by school buses each school bus, and each route shall meet the requirements prescribed by rules regulations of the state board.~~

Section 10. This act shall take effect July 1, 1982.

Senator Maxwell moved the following amendments which were adopted:

Amendment 2—On page 1, strike lines 30 and 31 and insert: ~~adopt, and have submitted to the Department of Education as required by law and by regulations of the state board, the~~

Amendment 3—On page 3, strike lines 5-7 and insert: law and submit this budget, when adopted by the school board, to the Department of Education ~~on or before the date required by rules of the state board.~~

Amendment 4—On page 3, line 31 and on page 4, line 1, strike all of said lines and insert: board of each district and submitted to the Department of Education ~~for examination each year on or before the date~~

Amendment 5—On page 4, strike lines 27-31 and insert: proposed or adopted amendments thereto, if any. The school board shall then require the superintendent to transmit forthwith two copies of the adopted budget to the Department of

Education ~~for approval as prescribed by law and regulations of the state board.~~

The Committee on Education recommended the following amendment which was moved by Senator Maxwell and adopted:

Amendment 6—In title on page 1, line 17, after the semicolon (;) insert: amending ss. 230.33(10) and 234.061, Florida Statutes, providing for the designation of bus routes and non-transportation zones by each district school board by rule;

Senator Maxwell moved the following amendment which was adopted:

Amendment 7—In title on page 1, line 7, strike "adopted annual school budget,"

On motion by Senator Maxwell, by two-thirds vote SB 185 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Hill	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Carlucci	Jennings	Peterson	Thomas
Childers, D.	Johnston	Poole	Tobiasen
Dunn	Langley	Rehm	Trask
Frank	Lewis	Renick	Vogt
Gersten	Margolis	Scott	
Grizzle	Maxwell	Skinner	
Hair	McClain	Steinberg	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Gordon

SB 192—A bill to be entitled An act relating to citrus; amending s. 601.14, Florida Statutes; providing for investigation of certain transportation problems by the Department of Citrus; providing for payment of expenses incurred; providing an effective date.

—was read the second time by title.

Senator Anderson moved the following amendment which was adopted:

Amendment 1—On page 1, lines 19-22, strike all after the word "necessary" on line 19 and insert: to monitor transportation rates, charges, facilities and practices affecting the Florida citrus industry.

On motion by Senator Anderson, by two-thirds vote SB 192 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

By the Committee on Economic, Community and Consumer Affairs and Senators Lewis and Neal—

CS for SB 207—A bill to be entitled An act relating to the preparation of county budgets; amending s. 30.49(1), (4), Flor-

ida Statutes; changing the date by which the sheriff's budget must be adopted; amending s. 129.03(2), Florida Statutes; changing the date by which certain county officers must submit their tentative budgets; amending s. 195.087(1)(b), Florida Statutes; changing the date by which the final action on the property appraiser's budget may be appealed to the Governor and Cabinet; providing an effective date.

—was read the first time by title and SB 207 was laid on the table.

On motion by Senator Lewis, by two-thirds vote CS for SB 207 was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Lewis and adopted:

Amendment 1—On page 3, line 7, strike "or" after the word "court" and insert: and

Pending further consideration of CS for SB 207 as amended, on motions by Senator Lewis, the rules were waived and by two-thirds vote HB 256 was withdrawn from the Committees on Economic, Community and Consumer Affairs and Finance, Taxation and Claims.

On motion by Senator Lewis—

HB 256—A bill to be entitled An act relating to preparation of county budgets; amending s. 30.49, Florida Statutes; conforming said section to the hearing requirement set forth in s. 200.065(2)(d); amending s. 129.03, Florida Statutes; amending s. 195.087, Florida Statutes; conforming said section to the hearing requirement set forth in s. 200.065(2)(d); providing an effective date.

—a companion measure, was substituted for CS for SB 207 and read the second time by title. On motion by Senator Lewis, by two-thirds vote HB 256 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

CS for SB 207 was laid on the table.

By the Committee on Health and Rehabilitative Services and Senator Margolis—

CS for SB 263—A bill to be entitled An act relating to spouse abuse centers; amending s. 409.605(5), Florida Statutes; providing a funding formula for spouse abuse centers; deleting the maximum annual state contribution; providing an effective date.

—was read the first time by title and SB 263 was laid on the table.

On motion by Senator Margolis, by two-thirds vote CS for SB 263 was read the second time by title.

Senators Margolis and Grizzle offered the following amendment which was moved by Senator Margolis and adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert: Section 1. Subsections (4) and (5) of section 409.602, Florida Statutes, are amended to read:

409.602 Definitions.—As used in this act:

(4) "Spouse" means a person to whom another person is married, or has been married and is now separated or divorced.

(5) "Victim" means any individual suffering assault, battery, or other physical abuse inflicted by his or her spouse or former spouse, and any dependent of such individual, including a child.

Section 2. Paragraph (a) of subsection (1) of section 409.605, Florida Statutes, is amended, paragraph (e) is added to said subsection, and subsection (5) of said section is amended to read:

409.605 Spouse abuse centers.—

(1) In order to be certified and funded under this act, each center shall:

(a) Provide a facility which will serve as a center to receive and house persons who are spouse abuse victims. For the purpose of this act, minor children and other dependents of a victim, when such dependents are partly or wholly dependent on the victim for support or services, may be sheltered with the victim in a spouse abuse center.

(e) Participate in the provision of orientation and training programs developed for law enforcement officers, social workers, and other professionals and paraprofessionals who work with spouse abuse victims to better enable such persons to deal effectively with incidents of spouse abuse.

(5)(a) All fees collected and appropriated under s. 741.01(2) for spouse abuse centers shall be distributed annually by the department to each certified center. The department shall allocate a uniform base amount to each certified center. The remainder of the appropriated funds shall be distributed in the same proportion as the number of marriage licenses sold in the center's catchment area bears to the total number of marriage licenses sold statewide. The number of marriage licenses shall be that number sold in each center's catchment area for the most recent year for which such figures are available.

(b) For the purposes of this section, a "catchment area" means the portion of a county, the county, the counties, or the district served by a certified spouse abuse center as specified in the center's application to be certified and approved by the department. No individual center shall receive an amount over \$50,000 from the department annually.

Section 3. Subsection (2) of section 741.01, Florida Statutes, is amended to read:

741.01 County court judge or clerk of the circuit court to issue marriage license; fee.—

(2) The fee charged for each marriage license issued in the state shall be increased by the sum of \$5. This fee shall be collected upon receipt of the application for the issuance of a marriage license. The Executive Office of the Governor shall establish a trust fund for the purpose of collecting and disbursing funds generated from the increase in marriage license fees. Such funds generated shall be directed to the Department of Health and Rehabilitative Services for the specific purpose of funding spouse abuse centers, and the funds shall be appropriated in a "grants-in-aid" category to the Department of Health and Rehabilitative Services, Aging and Adult Services, for the purpose of funding spouse abuse centers.

Section 4. Section 741.30, Florida Statutes, is amended to read:

741.30 Petition for order to restrain abusive spouse.—

(1) Any spouse as defined in s. 409.602(4) person who has filed a complaint of spouse abuse with a law enforcement agency or the clerk of the circuit court and who files a verified petition alleging spouse abuse with the clerk of the circuit court of the county wherein the person filing the verified petition resides may shall be entitled to have the court issue a restraining order with such terms and conditions as the court deems advisable with respect to the facts alleged in the verified petition. However, upon application for such restraining order, the petitioner shall be given an expedited hearing. The verified petition shall contain the date, time, and place of the alleged spouse abuse; the law enforcement agency which investigated the complaint; and the circum-

stances of the spouse abuse which occurred. The verified petition shall be in the following form:

**PETITION FOR AN ORDER TO RESTRAIN
AN ABUSIVE SPOUSE**

Before me, the undersigned authority, personally appeared Petitioner _____ (Name) _____, who was sworn and says that the following statement is true.

The petitioner has filed a complaint with _____ (law enforcement agency) _____ alleging that petitioner was abused by respondent spouse at _____ (place) _____ on _____ (date) _____ at _____ (time) _____ in the following manner: _____ (circumstances) _____

Copy of the complaint filed with the law enforcement agency is attached to this petition.

(a) *The physical injury petitioner has suffered as a result of the violent actions of respondent spouse include:*

(b) (Mark appropriate section.)

_____ Petitioner and respondent now live together and respondent refuses to leave.

_____ Respondent lives at _____ (address) _____

(c) (Mark appropriate section.)

_____ Petitioner and respondent have the following actions pending with this court:

_____ legal separation
_____ custody/juvenile matter
_____ dissolution (divorce)
_____ nullity
_____ other (describe) _____

_____ Petitioner and respondent have no actions pending with this court.

(d) (Mark appropriate sections.)

_____ Petitioner has the following children in his/her custody who are the children of respondent:

_____ (name, age, and birth date of each child)

_____ Petitioner has the following children in his/her custody who are not the children of respondent:

_____ (name, age, birthdate, and how you are related to each child)

(e) (Mark if appropriate.)

_____ Petitioner genuinely fears violence from respondent upon the children for the following reasons: _____

Petitioner seeks an order restraining the respondent spouse from abusing the petitioner and providing for any other terms and conditions that the court deems advisable with respect to the facts alleged in the petition.

Sworn to and subscribed on _____ (Signature of Petitioner) _____, 19 _____

_____. (Notary Public) _____

My Commission Expires: _____

(2) *The Notice that a restraining order has been issued shall be served within 24 hours of its issuance upon the spouse complained against. When the court issues the restraining order without a hearing, the court, if requested by the spouse complained against, shall provide a hearing as soon as reasonably possible but not later than 20 days after the date of the issuance of the order. The issuance of such an order shall not require that the party alleging spouse abuse be represented by an attorney, nor shall such a restraining order be conditioned upon any dissolution of marriage proceedings.*

(3) *Any person who has been served with a restraining order issued by a judge of the circuit court pursuant to subsection (2), who knowingly violates or refuses to comply with the provisions of such order is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. When a person prosecuted for violation of a restraining order issued pursuant to this section is ordered to pay a fine, revenues from the fine shall be collected and disbursed through the trust fund established in s. 741.01. The Department of Health and Rehabilitative Services may also use revenues collected through fines to fund counseling services for the purpose of rehabilitation of the abusive spouse.*

Section 5. Section 409.604, Florida Statutes, is hereby repealed.

Section 6. This act shall take effect July 1, 1982.

Senator Margolis moved the following amendment which was adopted:

Amendment 2—In title on page 1, lines 1 through 6, strike everything before the enacting clause and insert: A bill to be entitled An act relating to spouse abuse; amending s. 409.602 (4), (5), Florida Statutes; redefining the terms "spouse" and "victim"; amending s. 409.605(1)(a), (5), Florida Statutes, and adding paragraph (e) to subsection (1) of said section; providing for sheltering of dependents of victims; requiring spouse abuse centers to participate in the provision of orientation and training programs for certain professionals and paraprofessionals; providing a funding mechanism and eliminating the funding cap for individual centers; providing for method of allocation; amending s. 741.01(2), Florida Statutes; deleting reference to the Aging and Adult Services Program Office; amending s. 741.30, Florida Statutes; authorizing persons to file complaints of spouse abuse with a law enforcement agency or the clerk of the circuit court; requiring an expedited hearing with regard to a petition to restrain an abusive spouse; requiring additional information on the petition for an order to restrain an abusive spouse; requiring that the abusive spouse be served the restraining order within 24 hours from issuance; providing penalties for an abusive spouse who violates a restraining order; repealing s. 409.604, Florida Statutes, relating to a report to the Legislature; providing an effective date.

On motion by Senator Margolis, by two-thirds vote CS for SB 263 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Hill	McClain	Steinberg
Beard	Jenne	McKnight	Stevens
Carlucci	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	
Hair	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 275—A bill to be entitled An act relating to taxation; adding s. 220.02(9), Florida Statutes; providing priorities for application of certain credits against corporate income or franchise taxes; amending s. 220.13(1)(a), (c), (2)(e), Florida Statutes, and adding paragraph (d) to subsection (1) of said section; removing real estate investment trusts from certain requirements relating to adjustments to taxable income; changing the definition of "taxable income" with respect to a real estate investment trust; providing separate formulas to be used in computing the amount of corporate income tax due on installment sales for certain tax years; providing an effective date.

—was read the second time by title. On motion by Senator Johnston, by two-thirds vote SB 275 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Hair	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenne	Neal	Thomas
Childers, D.	Jennings	Peterson	Tobiasen
Dunn	Johnston	Poole	Trask
Frank	Kirkpatrick	Rehm	Vogt
Gersten	Langley	Renick	
Gordon	Lewis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 279—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 409.2671(2)(d), (3), (7)(c), (e), Florida Statutes; providing for an extension of the pilot project to test the feasibility of increasing hospital outpatient service through local agency contributions; providing an effective date.

—was read the second time by title. On motion by Senator Hill, by two-thirds vote SB 279 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Hair	Maxwell	Steinberg
Beard	Hill	McKnight	Stevens
Carlucci	Jenne	Neal	Stuart
Childers, D.	Jennings	Peterson	Thomas
Dunn	Johnston	Poole	Tobiasen
Frank	Kirkpatrick	Rehm	Trask
Gersten	Langley	Renick	
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers, McClain, Vogt

Consideration of SB 282 was deferred.

SB 302—A bill to be entitled An act relating to public records; amending s. 119.01, Florida Statutes; requiring agencies to establish a program for the disposal of certain public records; amending s. 119.011(1), Florida Statutes; providing definitions; amending s. 119.021, Florida Statutes; providing for custodians of public records; amending s. 119.031, Florida Statutes; providing for the safekeeping, repairing or copying of certain public records; amending s. 119.041, Florida Statutes; providing for the disposition of certain public records; amending s. 119.09, Florida Statutes; requiring public officials to assist the Division of Archives, History and Records Management of the Department of State; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 302 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

On motion by Senator Dunn, the rules were waived and time of adjournment was extended until completion of the consent calendar.

By the Committee on Economic, Community and Consumer Affairs and Senator Dunn—

CS for SB 350—A bill to be entitled An act relating to local code enforcement boards; amending ss. 26.012(1), 166.051-166.055, 166.057-166.061, Florida Statutes; creating ss. 166.060, 166.063, Florida Statutes; providing for duration of lien; authorizing counties to create code enforcement boards; providing a short title; providing intent; providing applicability; providing definitions; providing for membership and organization of boards; limiting reappointment of members; providing hearing procedures; providing powers of boards; providing for fines and liens; reducing maximum fine; providing for liens against real and personal property of violator other than property where violation occurred under specified circumstances; providing for appeals to the circuit court; providing that provisions of act are supplemental; providing an effective date.

—was read the first time by title and SB 350 was laid on the table.

On motion by Senator Dunn, by two-thirds vote CS for SB 350 was read the second time by title.

Senator Rehm moved the following amendment which was adopted:

Amendment 1—On page 6, line 21, strike the period "." after "violation" and insert: and may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed otherwise to be a judgment of a court except for enforcement purposes.

On motion by Senator Dunn, by two-thirds vote CS for SB 350 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Hill	McClain	Stevens
Beard	Jenne	McKnight	Stuart
Carlucci	Jennings	Neal	Thomas
Childers, D.	Johnston	Peterson	Tobiasen
Dunn	Kirkpatrick	Poole	Trask
Frank	Langley	Rehm	Vogt
Gersten	Lewis	Renick	
Grizzle	Margolis	Scott	
Hair	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 440—A bill to be entitled An act relating to animals; amending s. 585.195, Florida Statutes; specifying content of official health certificate for dogs and cats offered for sale or transported into the state for sale; providing an effective date.

—was read the second time by title.

The Committee on Agriculture recommended the following amendments which were moved by Senator McClain and adopted:

Amendment 1—On page 2, line 15, strike *or and has no* and insert: and has no

Amendment 2—On page 2, line 16, after the period (.) insert: *The seller shall furnish to the buyer at the time of sale the health certificate for the animal sold.*

Amendment 3—On page 2, line 19, strike "8" and insert: 12 8

On motion by Senator McClain, by two-thirds vote SB 440 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Anderson	Hair	Margolis	Renick
Beard	Hill	Maxwell	Steinberg
Carlucci	Jenne	McClain	Stevens
Childers, D.	Jennings	McKnight	Stuart
Dunn	Kirkpatrick	Neal	Thomas
Frank	Langley	Peterson	Trask
Grizzle	Lewis	Poole	Vogt

Nays—None

Vote after roll call:

Yea—W. D. Childers, Rehm, Tobiassen

By the Committee on Economic, Community and Consumer Affairs and Senators Poole and Gersten—

CS for SB 459—A bill to be entitled An act relating to professional regulation; amending s. 455.241(2), Florida Statutes, authorizing the Department of Professional Regulation to obtain patient records without consent under certain circumstances; creating s. 455.243, Florida Statutes, expanding the authority of the department to inspect places where drugs and medical supplies are manufactured, sold or stored; providing an effective date.

—was read the first time by title and SB 459 was laid on the table.

On motion by Senator Poole, by two-thirds vote CS for SB 459 was read the second time by title.

Senator Poole moved the following amendments which were adopted:

Amendment 1—On page 1, line 27, strike “report” and insert: ~~report~~ *record*

Amendment 2—On page 1, lines 17, 19 and 22, strike “reports” and insert: ~~reports~~ *records*

On motion by Senator Poole, by two-thirds vote CS for SB 459 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Anderson	Hair	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jennings	Neal	Thomas
Childers, D.	Johnston	Peterson	Tobiassen
Dunn	Kirkpatrick	Poole	Trask
Frank	Langley	Renick	Vogt
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Rehm

SB 573—A bill to be entitled An act relating to building construction; amending s. 553.901, Florida Statutes; changing from annual to biennial the Department of Veteran and Community Affairs' determination of the most cost-effective energy saving equipment and techniques for thermal efficiency and providing for public review of proposed changes to the Florida Thermal Efficiency Code; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Jennings and adopted:

Amendment 1—On page 2, lines 3 and 4, strike “upon becoming a law” and insert: July 1, 1982

On motion by Senator Jennings, by two-thirds vote SB 573 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Frank	Johnston	Peterson	Thomas
Gersten	Kirkpatrick	Poole	Tobiassen
Gordon	Langley	Renick	Trask
Grizzle	Margolis	Scott	Vogt

Nays—None

Vote after roll call:

Yea—W. D. Childers, Lewis, Rehm

SB 585—A bill to be entitled An act relating to voting methods and procedures; amending ss. 101.011(6), 101.5608(1), Florida Statutes; providing procedures that an elector must follow in marking a ballot card on which the offices and measures are not printed; providing that an elector may cover the completed ballot with the portion on which write-in votes may be cast; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendment which was moved by Senator McClain and adopted:

Amendment 1—On page 1, line 21, strike “officers” and insert: *offices*

On motion by Senator McClain, by two-thirds vote SB 585 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiassen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	
Hair	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—Anderson, W. D. Childers

SB 590—A bill to be entitled An act relating to municipal improvements; amending s. 170.01, Florida Statutes, authorizing municipalities to provide for mass transportation systems by levying and collecting special assessments on property; amending s. 170.09, Florida Statutes, increasing the maximum period for which special assessments for municipal improvements may be paid; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendments which were moved by Senator Beard and adopted.

Amendment 1—On page 2, strike line 10 and insert: facilities, parking garages, or other similar facilities, and mass transportation systems, shall

Amendment 2—In title on page 1, between lines 6 and 7, insert: requiring prior approval of such systems by affected property owners;

On motion by Senator Beard, by two-thirds vote SB 590 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Hair	McClain	Steinberg
Beard	Jenne	McKnight	Stevens
Carlucci	Jennings	Neal	Stuart
Childers, D.	Johnston	Peterson	Thomas
Dunn	Kirkpatrick	Poole	Tobiasen
Frank	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Gordon	Margolis	Scott	
Grizzle	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

By the Committee on Commerce and Senator Grizzle—

CS for SB 591—A bill to be entitled An act relating to corporations not for profit; amending s. 617.011, Florida Statutes; authorizing a corporation not for profit to organize upon either a nonstock basis or a stock basis; allowing compensation of certain persons rendering services to the corporation; providing for distribution of corporate assets upon dissolution or final liquidation; providing for conversion of a county, district or municipal hospital to a nonprofit corporation; requiring converted hospitals to become qualified under s. 501(c)(3), Internal Revenue Code; providing for return of facility to the county, municipality, or district upon dissolution; providing an effective date.

—was read the first time by title and SB 591 was laid on the table.

On motion by Senator Grizzle, by two-thirds vote CS for SB 591 was read the second time by title.

Senator Grizzle moved the following amendment which was adopted:

Amendment 1—On page 2, line 25, after the word "purposes", strike everything and insert a period (.) and on page 3, strike lines 1-11

On motion by Senator Grizzle, by two-thirds vote CS for SB 591 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

Anderson	Hill	McClain	Steinberg
Beard	Jennings	McKnight	Stevens
Childers, D.	Johnston	Neal	Stuart
Dunn	Kirkpatrick	Peterson	Thomas
Frank	Langley	Rehm	Tobiasen
Gersten	Lewis	Renick	Trask
Grizzle	Margolis	Scott	Vogt
Hair	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Jenne

By the Committee on Natural Resources and Conservation and Senators Vogt, Rehm and Dunn—

CS for SB 595—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.041, Florida Statutes; providing certain limitations on certain developments; amend-

ing s. 161.053(1), (4), Florida Statutes, and adding subsection (13) to said section; providing for inclusion of sand dunes within coastal construction control lines; repealing provisions authorizing permits to construct certain structures; empowering the Department of Natural Resources to delegate certain types of permitting to coastal cities and counties; providing an effective date.

—was read the first time by title and SB 595 was laid on the table.

On motions by Senator Vogt, by two-thirds vote CS for SB 595 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Grizzle	Maxwell	Skinner
Beard	Hair	McClain	Steinberg
Carlucci	Hill	McKnight	Stuart
Childers, D.	Jenne	Neal	Thomas
Dunn	Jennings	Peterson	Tobiasen
Frank	Johnston	Poole	Trask
Gersten	Kirkpatrick	Rehm	Vogt
Gordon	Margolis	Renick	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Lewis, Stevens

By the Committee on Natural Resources and Conservation and Senators McKnight and Rehm—

CS for SB 608—A bill to be entitled An act relating to local comprehensive plans; amending s. 163.3177(6)(g), Florida Statutes; requiring the state land planning agency to adopt criteria for review of coastal zone protection elements of comprehensive plans; amending s. 163.3184(2), (3), Florida Statutes; requiring that review of comprehensive plans be based on criteria adopted by rule; providing an effective date.

—was read the first time by title and SB 608 was laid on the table.

On motion by Senator McKnight, by two-thirds vote CS for SB 608 was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator McKnight and adopted:

Amendment 1—On page 3, line 23, after the period (.) insert: *Coastal zone protection elements reviewed prior to July 1, 1982, must be resubmitted to the state land planning agency for review based on these criteria before an eligibility determination for such state funding may be made.*

On motion by Senator McKnight, by two-thirds vote CS for SB 608 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 615—A bill to be entitled An act relating to the state revenue laws; amending s. 213.053, Florida Statutes; providing for application of the provisions relating to confidentiality and information sharing to the tax on generation of hazardous waste; providing a penalty for officers and employees of the Department of Revenue who divulge certain information; providing an exception; authorizing the department to furnish certain information to the Comptroller; authorizing the department to provide certain information to certain agencies; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Steinberg and adopted:

Amendment 1—On page 2, line 4, strike “and (7)” and insert: *and (7) and (8)*

Amendment 2—On page 2, strike all of lines 10-20 and insert: *accordance with the provisions of subsections (3), (4), (5), (6), (7), and (8) below, a proper judicial order, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, except when divulged pursuant to a judicial order as provided for in subsection (8).*

Amendment 3—On page 4, between lines 11 and 12, insert:

(8) The Department of Revenue shall provide returns, reports, accounts or declarations received by the department, including investigative reports and information, or information contained in such documents, pursuant to an order of a judge of a court of competent jurisdiction, or pursuant to a subpoena duces tecum only when:

(a) issued by a state attorney, United States attorney, or a court in a criminal investigation or a criminal judicial proceeding;

(b) issued by a state or federal grand jury; or

(c) issued by a state attorney, the Department of Legal Affairs, a United States attorney, or a court in the course of a civil investigation or civil judicial proceeding under the state or federal Racketeer Influenced and Corrupt Organization Act.

On motion by Senator Steinberg, by two-thirds vote SB 615 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Hair	McClain	Steinberg
Beard	Hill	McKnight	Stevens
Carlucci	Jennings	Neal	Stuart
Childers, D.	Johnston	Peterson	Thomas
Dunn	Kirkpatrick	Poole	Tobiassen
Frank	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Gordon	Margolis	Scott	
Grizzle	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Jenne

SB 637—A bill to be entitled An act relating to the licensure of architects; amending s. 481.229(1), Florida Statutes; providing an exception from the licensing requirement for persons who make plans and specifications for, or supervise the construction or alteration of, townhouses; providing an effective date.

—was read the second time by title.

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Kirkpatrick:

Amendment 1—On page 1, between lines 25 and 26, insert:

Section 2. Subsection (7) is added to s. 481.203, Florida Statutes, to read:

481.203 Definitions.—As used in this act:

(7) Townhouse is a single-family dwelling unit not exceeding 3 stories in height constructed in a series or group of attached units with property lines separating such units.

(Renumber subsequent section)

Senator Kirkpatrick moved the following amendment to Amendment 1 which was adopted:

Amendment 1A—On page 1, line 8, insert: Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements, or by a party wall, or when not more than three (3) stories in height, may be separated by a single wall meeting the following requirements:

1. Such wall shall provide not less than two (2) hours fire resistance. Plumbing, piping, ducts, electrical or other building services shall not be installed within or through the two (2) hours wall, unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

2. Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least one (1) hour fire resistance for a width not less than four (4) feet on each side of such wall.

3. Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

Amendment 1 as amended was adopted.

Senator Langley moved the following amendment which was adopted:

Amendment 2—On page 1, line 21, strike “any”

The Committee on Economic, Community and Consumer Affairs recommended the following amendment which was moved by Senator Kirkpatrick and adopted:

Amendment 3—In title on page 1, line 7, after the “;” insert: adding s. 481.203(7), Florida Statutes, providing a definition;

On motion by Senator Kirkpatrick, by two-thirds vote SB 637 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Hair	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenne	Neal	Stuart
Childers, D.	Jennings	Peterson	Thomas
Dunn	Johnston	Poole	Tobiassen
Frank	Kirkpatrick	Rehm	Trask
Gersten	Langley	Renick	Vogt
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 646—A bill to be entitled An act relating to county government; renumbering s. 125.012(24), (25), Florida Statutes, and adding a new subsection (24) to said section; granting counties the power to enter into contracts for the construction of and reimbursement for project facilities by tenants or users thereof; providing an effective date.

—was read the second time by title. On motion by Senator Gersten, by two-thirds vote SB 646 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Anderson	Grizzle	Lewis	Rehm
Beard	Hair	Margolis	Renick
Carlucci	Hill	Maxwell	Steinberg
Childers, D.	Jenne	McClain	Stevens
Dunn	Jennings	McKnight	Stuart
Frank	Johnston	Neal	Thomas
Gersten	Kirkpatrick	Peterson	Trask
Gordon	Langley	Poole	Vogt

Nays—None

Vote after roll call:

Yea—W. D. Childers, Tobiasen

SB 655—A bill to be entitled An act relating to workers' compensation; amending s. 440.15(6)(b), Florida Statutes, relating to compensation for hernia resulting from injury by an accident arising in the course of employment, to modify the period for which compensation is authorized; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Anderson and adopted:

Amendment 1—On page 1, lines 12-31, and on page 2, lines 1-5, strike all of said lines and insert: Section 1. Subsection (6) of section 440.15, Florida Statutes, is hereby repealed.

Senator Hair offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 2—On page 2, strike line 6 and insert: Section 2. Subsection (3) is added to section 440.14, Florida Statutes, to read:

440.14 Determination of pay.—

(3) *If during the period of disability the employer continues to provide consideration, including board, rent, housing or lodging, the value of same shall be deducted when calculating the average weekly wage of the employee so long as these benefits continue to be provided.*

Section 3. This act shall take effect upon becoming a law.

The Committee on Commerce recommended the following amendment which was moved by Senator Anderson and adopted:

Amendment 3—In title on page 1, strike all of lines 3-8 and insert: repealing s. 440.15(6), Florida Statutes, relating to compensation for hernia; eliminating factors that must be proven in order for a hernia to be compensable and eliminating the required period for which compensation must be paid; providing an effective date.

Senator Hair offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 4—In title on page 1, line 7, after the semicolon (;) insert: amending s. 440.14, Florida Statutes, relating to determination of pay;

On motion by Senator Anderson, by two-thirds vote SB 655 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Gordon	Kirkpatrick	Neal
Beard	Grizzle	Langley	Peterson
Carlucci	Hair	Lewis	Poole
Childers, D.	Hill	Margolis	Rehm
Dunn	Jenne	Maxwell	Renick
Frank	Jennings	McClain	Scott
Gersten	Johnston	McKnight	Skinner

Steinberg	Stuart	Tobiasen	Vogt
Stevens	Thomas	Trask	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 656—A bill to be entitled An act relating to traffic accidents; amending s. 316.027(2), Florida Statutes; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Renick, by two-thirds vote SB 656 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Hill	McKnight	Stevens
Beard	Jenne	Neal	Stuart
Carlucci	Jennings	Peterson	Thomas
Childers, D.	Johnston	Poole	Tobiasen
Dunn	Kirkpatrick	Rehm	Trask
Gersten	Langley	Renick	Vogt
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	
Hair	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Frank, McClain

SB 680—A bill to be entitled An act relating to seed; amending ss. 578.25, 578.26, Florida Statutes; limiting effect of disclaimers; revising procedures for complaints; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 680 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Gordon	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

By the Committee on Governmental Operations and Senator Anderson—

CS for SB 833—A bill to be entitled An act relating to state agencies; creating s. 215.405, Florida Statutes; authorizing state agencies exercising regulatory powers to collect costs of fingerprinting from certain persons; providing an effective date.

—was read the first time by title and SB 833 was laid on the table.

On motions by Senator Anderson, by two-thirds vote CS for SB 833 was read the second time by title, and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Childers, D.	Gordon	Hill
Beard	Dunn	Grizzle	Jenne
Carlucci	Gersten	Hair	Jennings

Johnston	McClain	Renick	Thomas
Kirkpatrick	McKnight	Scott	Tobiassen
Langley	Neal	Skinner	Trask
Lewis	Peterson	Steinberg	Vogt
Margolis	Poole	Stevens	
Maxwell	Rehm	Stuart	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Frank

SB 884—A bill to be entitled An act relating to taxation; amending ss. 193.1145(1)-(3), (8), (9), (11), Florida Statutes; providing a method based on interim assessment rolls for levying and collecting ad valorem taxes under certain circumstances; naming the property appraiser and executive director of the Department of Revenue as the defendant in certain civil actions; providing for provisional millage rates to be applied to interim assessment rolls; deleting a provision allowing a court to confirm as final taxes levied under an interim assessment roll; requiring the Department of Revenue to adopt by rule certain procedures for notifying taxpayers of final assessments; amending s. 195.096(2), (3)(a), Florida Statutes; delaying the inclusion of personal property tax rolls in the review of assessment rolls; providing for publication by the Division of Ad Valorem Tax of the Department of Revenue of certain reviews of assessment rolls; amending s. 200.065(2)(d), (5), Florida Statutes; providing for notice and a public hearing of adoption of certain tentative budgets and certain proposed millage rates; providing for adjustment by a taxing authority of certain millage rates without a public hearing in certain circumstances; creating s. 200.066, Florida Statutes; providing for ad valorem tax levies of certain newly created municipal service taxing units under certain circumstances; providing for notice of such levies; creating s. 200.068, Florida Statutes; requiring each taxing authority to certify to the Department of Revenue that certain ordinances and resolutions comply with certain provisions of law; providing for disposition of excess taxes collected by a school district in certain circumstances; amending s. 194.011(3)(d), Florida Statutes; reducing the time during which a petition may be filed with the property appraisal adjustment board; providing a method for shortening the time periods specified in s. 200.065 and s. 194.032(1), Florida Statutes; regarding the holding of public hearings for budget approval; amending s. 200.069(6), Florida Statutes; removing a requirement as to the location of the parcel's legal description in the notice of proposed property taxes; amending ss. 205.033(1)(b), 205.043(1)(b), Florida Statutes; reducing maximum permissible rates for certain occupational license taxes; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Maxwell:

Amendment 1—On page 18, line 23, insert a new Section 12:

Section 12. Subsections (3), (4), and (5) of section 194.032, Florida Statutes, are amended to read:

(3) Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to, upon the request of either party, testify under oath as administered by the chairman of the board. Hearings shall be conducted in the manner prescribed by rules and regulations of the department. Such hearings shall generally conform to the procedures prescribed for hearings in chapter 120, including the right for cross-examination of any witness by an aggrieved taxpayer, except nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by section 194.171, whether or not he has initiated an action pursuant to this section. Further, the board shall provide that no evidence shall be considered by the board except on evidence presented during the time which the taxpayer or his representative is present, and further that a verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be pre-

served and made available to the Department of Revenue, if requested, and for further judicial proceedings as provided in subsection (6). Notwithstanding the provisions of this subsection, no petitioner shall present, nor shall the board or special master accept, testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.

(4) The board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. In counties of 100,000 population or greater the board, upon the request of the petitioner, shall appoint a special master for the purpose of taking testimony and making recommendations to the board. Such special masters may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special masters exist. A special master shall be either a member of the Florida Bar and knowledgeable in the area of ad valorem taxation or a designated member of a professionally recognized real estate appraisers' organization and have not less than 5 years' experience in property valuation. A special master need not be a resident of the county in which he serves. No special master shall be permitted to represent a person before the board in any tax year during which he has served that board as a special master. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the property appraisal adjustment board shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the property appraiser's determination, and in the case where a special master has been appointed, the recommendations of the special master shall be considered. The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

(Renumber subsequent section.)

Senator Neal moved the following substitute amendment which was adopted:

Amendment 2—On page 18, line 23 insert, a new Section 12:

Section 12. Subsections (3), (4), and (5) of section 194.032, Florida Statutes, are amended to read:

(3) Petitioners before the board may be represented by an attorney or agent and present testimony and other evidence. The property appraiser or his authorized representatives may be represented by an attorney in defending his assessment or opposing an exemption and may present testimony and other evidence. The property appraiser, each petitioner, and all witnesses may be required to, upon the request of either party, testify under oath as administered by the chairman of the board. Hearings shall be conducted in the manner prescribed by rules and regulations of the department. Such hearings shall generally conform to the procedures prescribed for hearings in Chapter 120, including the right for cross-examination of any witness, except nothing herein shall preclude an aggrieved taxpayer from contesting his assessment in the manner provided by section 194.171, whether or not he has initiated an action pursuant to this section. Further, the Board shall provide that no evidence shall be considered by the Board except when presented during the time scheduled for the petitioner's hearing, or at a time when the petitioner has been given reasonable notice, and further that a verbatim record of the proceedings shall be made, and proof of any documentary evidence presented shall be preserved and made available to the Department of Revenue, if requested, and for further judicial proceedings as provided in subsection (6). Notwithstanding the provisions of this subsection, no petitioner shall present, nor shall the board or special master accept, testimony or other

evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.

(4) The board is hereby authorized to appoint special masters for the purpose of taking testimony and making recommendations to the board, which recommendations the board may act upon without further hearing. *In counties of 100,000 population or greater, the board, upon the request of the petitioner, shall appoint a special master for the purpose of taking testimony and making recommendations to the board. If the request is made by the petitioner herein, the cost shall be borne by the petitioner.* Such special masters may not be elected or appointed officials or employees of the county but shall be selected from a list of those qualified individuals who are willing to serve as special masters. The clerk of the board shall annually notify such individuals or their professional associations to make known to them that opportunities to serve as special masters exist. A special master shall be either a member of the Florida Bar and knowledgeable in the area of ad valorem taxation or a designated member of a professionally recognized real estate appraisers' organization and have not less than 5 years' experience in property valuation. A special master need not be a resident of the county in which he serves. No special master shall be permitted to represent a person before the board in any tax year during which he has served that board as a special master. The board shall appoint such masters from the list so compiled prior to convening of the board. The expense of hearings before special masters and any compensation of special masters shall be borne three-fifths by the board of county commissioners and two-fifths by the school board.

(5) In each case, except when a complaint is withdrawn by the petitioner or is acknowledged as correct by the property appraiser, the property appraisal adjustment board shall render a written decision. All such decisions shall be issued within 20 calendar days of the last day the board is in session under this section. The decision of the board shall contain findings of fact and conclusions of law and shall include reasons for upholding or overturning the property appraiser's determination, *and in the case where a special master has been appointed, the recommendations of the special master shall be considered.* The clerk, upon issuance of the decisions, shall, on a form provided by the Department of Revenue, notify by first-class mail each taxpayer, the property appraiser, and the department of the decision of the board.

(Renumber subsequent section.)

Senator Peterson moved the following amendment which was adopted:

Amendment 3—On page 18, line 23, insert new Section 13.—after renumbering:

Section 13. Subsection (6) of section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—

(6) *Notwithstanding the provisions of subsections (4) and (5), an original application shall be refiled each year for not less than 10 percent of all parcels granted an exemption or agricultural classification. The property appraiser shall randomly select those parcels for which such refileing shall be required.*

Senator Maxwell moved the following amendments which were adopted:

Amendment 4—On page 15, line 24, strike: "immediately"

Amendment 5—On page 18, between lines 22 and 23 insert: Section 12. Paragraph (f) of subsection (2) of section 200.065, Florida Statutes, is amended to read;

200.065 Method of fixing millage.—

(2) No millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority, which resolution or ordinance must be approved by said taxing authority according to the following procedure:

(f)1. Notwithstanding any provisions of paragraph (c) to the contrary, each school district shall advertise its intent to adopt a tentative budget in a newspaper of general circulation pursuant to paragraph (3)(b) or paragraph (3)(d) within 20 15 days of certification of value pursuant to subsection (1). Approximately 10 days thereafter, the district shall hold a public hearing on the tentative budget pursuant to applicable provisions of paragraph (c).

2. Notwithstanding any provisions of paragraph (b) to the contrary, each school district shall advise the property appraiser of its recomputed proposed millage rate within 30 days of certification of value pursuant to subsection (1). The recomputed proposed millage rate of the school district shall be considered its proposed millage rate for the purposes of paragraph (b).

3. Notwithstanding any provisions of paragraph (d) to the contrary, each school district shall hold a public hearing to finalize the budget and adopt a millage rate within 75 days of certification of value pursuant to subsection (1), but not earlier than 60 days after certification. The hearing shall be held in accordance with applicable provisions of paragraph (d), except that a newspaper advertisement need not precede the hearing.

(Renumber subsequent section.)

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Maxwell:

Amendment 6—In title on page 2, line 22, after "taxes," insert: amending subsections (3), (4), and (5) of section 194.032, Florida Statutes; adding certain provisions concerning petitions to the property appraisal adjustment board;

Senator Neal moved the following substitute amendment which was adopted:

Amendment 7—On page 2, line 22, after the semicolon ";," insert: amending s. 194.032(3), (4), (5), Florida Statutes; authorizing either party to require each petitioner, all witnesses and the property appraiser to testify under oath; providing for cross-examination of witnesses; providing that no evidence shall be considered by the Board except during the scheduled hearing or when the petitioner is given reasonable notice; authorizing the boards in certain counties to appoint special masters upon request of a petitioner; providing for payment of cost of a special master by a petitioner under certain circumstances;

Senator Peterson moved the following amendment which was adopted:

Amendment 8—In title on page 2, line 22, after "taxes," insert: repealing Florida Statutes 196.011(6) requiring a 10 percent random refileing of application for examination or agricultural classification;

Senator Maxwell moved the following amendment which was adopted:

Amendment 9—In title on page 2, line 22, after the semicolon (;) insert: amending s. 200.065(2)(f), Florida Statutes, changing date of newspaper notice;

On motion by Senator Maxwell, by two-thirds vote SB 884 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Anderson	Gersten	Johnston	McClain
Beard	Grizzle	Kirkpatrick	McKnight
Carlucci	Hair	Langley	Neal
Childers, D.	Hill	Levins	Peterson
Dunn	Jenne	Margolis	Poole
Frank	Jennings	Maxwell	Rehm

Renick	Steinberg	Thomas
Scott	Stevens	Tobiasen
Skinner	Stuart	Trask

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 896—A bill to be entitled An act relating to the State University System; naming the South Building the W. Thomas Howard Building; directing the University of South Florida to erect suitable markers; providing an effective date.

—was read the second time by title. On motion by Senator Lewis, by two-thirds vote SB 896 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Anderson	Henderson	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Thomas
Frank	Kirkpatrick	Poole	Tobiasen
Gersten	Langley	Rehm	Trask
Grizzle	Lewis	Renick	Vogt
Hair	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 947—A bill to be entitled An act relating to fresh pursuit; amending s. 901.25, Florida Statutes; providing that fresh pursuit includes pursuit of a person who has committed a traffic offense; providing an effective date.

—was read the second time by title. On motion by Senator Jenne, by two-thirds vote SB 947 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Anderson	Hair	Maxwell	Skinner
Beard	Hill	McClain	Steinberg
Carlucci	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Tobiasen
Frank	Kirkpatrick	Poole	Trask
Gersten	Langley	Rehm	Vogt
Gordon	Lewis	Renick	
Grizzle	Margolis	Scott	

Nays—None

Vote after roll call:

Yea—W. D. Childers

HB 306—A bill to be entitled An act relating to plant pests; amending s. 581.083, Florida Statutes, to prohibit introduction into the state of any pest, parasite, or predator of other organisms without special permit; setting conditions for the issuance of permits; providing an effective date.

—was read the second time by title. On motion by Senator Peterson, by two-thirds vote HB 306 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Anderson	Gersten	Kirkpatrick	McKnight
Beard	Grizzle	Langley	Neal
Carlucci	Hair	Lewis	Peterson
Childers, D.	Hill	Margolis	Poole
Dunn	Jenne	Maxwell	Rehm
Frank	Jennings	McClain	Renick

Scott	Stevens	Tobiasen
Skinner	Stuart	Trask
Steinberg	Thomas	

Nays—None

Vote after roll call:

Yea—W. D. Childers

SB 688—A bill to be entitled An act relating to a building to be erected in Apalachicola, Florida, housing the headquarters of the Apalachicola River and Bay Estuarine Sanctuary program; naming the new building the Robert L. Howell Building; authorizing and directing the Department of General Services to erect a suitable marker at the building to reflect this designation; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Thomas and adopted:

Amendment 1—On page 1, after line 20, insert:

WHEREAS, in 1973 Robert L. Howell formed a coalition to protect the bay and ensure that the river and bay will continue to be a viable part of our heritage which will always provide pure seafood and a water recreation area, and

On motion by Senator Thomas, by two-thirds vote SB 688 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—30

Beard	Hill	McClain	Stevens
Carlucci	Jenne	Neal	Stuart
Childers, D.	Jennings	Peterson	Thomas
Dunn	Johnston	Poole	Tobiasen
Frank	Langley	Rehm	Trask
Gersten	Lewis	Renick	Vogt
Grizzle	Margolis	Scott	
Hair	Maxwell	Skinner	

Nays—None

Vote after roll call:

Yea—W. D. Childers

HB 1004—A bill to be entitled An act relating to county seats; amending s. 138.09, Florida Statutes, relating to the requirement that the board of county commissioners must erect a jail at the county seat; providing an effective date.

—was read the second time by title. On motion by Senator Dunn, by two-thirds vote HB 1004 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Anderson	Hair	McClain	Skinner
Beard	Jenne	McKnight	Steinberg
Carlucci	Jennings	Neal	Stevens
Childers, D.	Johnston	Peterson	Stuart
Dunn	Kirkpatrick	Poole	Thomas
Frank	Lewis	Rehm	Tobiasen
Gersten	Margolis	Renick	Vogt
Grizzle	Maxwell	Scott	

Nays—2

Hill Langley

Vote after roll call:

Yea—W. D. Childers

On motions by Senator Stuart, the rules were waived and by two-thirds vote House Bills 668, 392, 557, 271, 487 and

643 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Tobiasen, the rules were waived and by two-thirds vote SB 743 was withdrawn from the Committee on Commerce.

On motion by Senator Vogt, the rules were waived and by two-thirds vote SB 928 was withdrawn from the Committee on Natural Resources and Conservation.

Senator Dunn moved that all bills temporarily deferred this day be added to the end of the special order calendar for March 3. The motion was adopted.

On motion by Senator Dunn, the rules were waived and the Senate immediately reconsidered the vote by which—

SJR 9—A joint resolution proposing an amendment to Article III of the State Constitution, relating to the legislature, to allow the date for a regular session to be fixed by law; to provide for discipline of members by each house; to provide for gubernatorial action on bills; to prescribe procedures for vetoed bills; to prohibit special acts relating to dissolution of marriage; and to prescribe impeachment procedures.

—as amended passed this day.

On motion by Senator Dunn, the Senate reconsidered the vote by which SJR 9 was read the third time.

On motion by Senator Dunn, the Senate reconsidered the vote by which Amendment 2 was adopted.

Senator Dunn moved the following amendment to Amendment 2 which was adopted:

Amendment 2A—On page 1, strike lines 2-4 and insert: for such purpose whether or not the other house is in session; prohibiting a vetoed measure from being

Amendment 2 as amended was adopted.

On motion by Senator Dunn, the Senate reconsidered the vote by which Amendment 3 was adopted.

Senator Dunn moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—On page 1, lines 3 and 4, strike the words "to provide for gubernatorial action on bills;"

Amendment 3 as amended was adopted.

Senator Dunn moved the following amendments which were adopted:

Amendment 4—On page 2, strike lines 27-29 and insert: **ARTICLE III, SECTIONS 3, 4, 8, 11, and 17 LEGISLATIVE SESSIONS, DISCIPLINE OF LEGISLATORS, CONSIDERATION OF VETOED BILLS, PROHIBITED SPECIAL LAWS, AND IMPEACHMENT PROCEDURES.**—Proposing amendments to the State Constitution

Amendment 5—On page 1, strike lines 10 and 11 and insert: That the following amendments to Sections 3, 4, 8, 11, and 17 of Article III of the State Constitution are hereby agreed to and shall be

On motion by Senator Dunn, SJR 9 as amended was read the third time in full as follows:

SJR 9—A joint resolution proposing an amendment to Article III of the State Constitution, relating to the legislature, to allow the date for a regular session to be fixed by law; to provide for discipline of members by each house; to prescribe procedures for vetoed bills; to prohibit special acts relating to dissolution of marriage; and to prescribe impeachment procedures.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 3, 4, 8, 11, and 17 of Article III of the State Constitution are hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1982:

ARTICLE III LEGISLATURE

SECTION 3. Sessions of the Legislature.—

(a) **ORGANIZATION SESSIONS.** On the fourteenth day following each general election the legislature shall convene for the exclusive purpose of organization and selection of officers.

(b) **REGULAR SESSIONS.** A regular session of the legislature shall convene on the first Tuesday after the first Monday in April of each odd-numbered year, and on the first Tuesday after the first Monday in April, or such other date as may be fixed by law, of each even-numbered year.

(c) SPECIAL SESSIONS.

(1) The governor, by proclamation stating the purpose, may convene the legislature in special session during which only such legislative business may be transacted as is within the purview of the proclamation, or of a communication from the governor, or is introduced by consent of two-thirds of the membership of each house.

(2) A special session of the legislature may be convened as provided by law.

(d) **LENGTH OF SESSIONS.** A regular session of the legislature shall not exceed sixty consecutive days, and a special session shall not exceed twenty consecutive days, unless extended beyond such limit by a three-fifths vote of each house. During such an extension no new business may be taken up in either house without the consent of two-thirds of its membership.

(e) **ADJOURNMENT.** Neither house shall adjourn for more than seventy-two consecutive hours except pursuant to concurrent resolution.

(f) **ADJOURNMENT BY GOVERNOR.** If, during any regular or special session, the two houses cannot agree upon a time for adjournment, the governor may adjourn the session sine die or to any date within the period authorized for such session; provided that, at least twenty-four hours before adjourning the session, he shall, while neither house is in recess, give each house formal written notice of his intention to do so, and agreement reached within that period by both houses on a time for adjournment shall prevail.

SECTION 4. Quorum and procedure.—

(a) A majority of the membership of each house shall constitute a quorum, but a smaller number may adjourn from day to day and compel the presence of absent members in such manner and under such penalties as it may prescribe. Each house shall determine its rules of procedure.

(b) Sessions of each house shall be public; except sessions of the senate when considering appointment to or removal from public office may be closed.

(c) Each house shall keep and publish a journal of its proceedings; and upon the request of five members present, the vote of each member voting on any question shall be entered on the journal.

(d) *By a majority vote of its membership each house may discipline punish a member for contempt or disorderly conduct and, by a two-thirds vote of its membership, may expel a member. Upon call of the presiding officer, either house shall convene for such purposes whether or not the other house is in session.*

SECTION 8. Executive approval and veto.—

(a) Every bill passed by the legislature shall be presented to the governor for his approval and shall become a law if he approves and signs it, or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, he shall have fifteen consecutive days from

the date of presentation to act on the bill. In all cases except general appropriation bills, the veto shall extend to the entire bill. The governor may veto any specific appropriation in a general appropriation bill, but may not veto any qualification or restriction without also vetoing the appropriation to which it relates.

(b) When a bill or any specific appropriation of a general appropriation bill has been vetoed by the governor, he shall transmit his signed objections thereto to the house in which the bill originated if in session. If that house is not in session, he shall file them with the secretary of state, who shall lay them before that house at its next regular or special session, and they shall be entered on its journal.

(c) If each house shall, by a two-thirds vote, re-enact the bill or reinstate the vetoed specific appropriation of a general appropriation bill, the vote of each member voting shall be entered on the respective journals, and the bill shall become law or the specific appropriation reinstated, the veto notwithstanding. *A vetoed bill or vetoed specific appropriation shall not be considered later than the adjournment of the next regular session following the session in which such bill or appropriation was passed.*

SECTION 11. Prohibited special laws.—

(a) There shall be no special law or general law of local application pertaining to:

(1) election, jurisdiction or duties of officers, except officers of municipalities, chartered counties, special districts or local governmental agencies;

(2) assessment or collection of taxes for state or county purposes, including extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability;

(3) rules of evidence in any court;

(4) punishment for crime;

(5) petit juries, including compensation of jurors, except establishment of jury commissions;

(6) change of civil or criminal venue;

(7) conditions precedent to bringing any civil or criminal proceedings, or limitations of time therefor;

(8) refund of money legally paid or remission of fines, penalties or forfeitures;

(9) creation, enforcement, extension or impairment of liens based on private contracts, or fixing of interest rates on private contracts;

(10) disposal of public property, including any interest therein, for private purposes;

(11) vacation of roads;

(12) private incorporation or grant of privilege to a private corporation;

(13) effectuation of invalid deeds, wills or other instruments, or change in the law of descent;

(14) change of name of any person;

(15) *dissolution of marriage divorce*;

(16) legitimation or adoption of persons;

(17) relief of minors from legal disabilities;

(18) transfer of any property interest of persons under legal disabilities or of estates of decedents;

(19) hunting or fresh water fishing;

(20) regulation of occupations which are regulated by a state agency; or

(21) any subject when prohibited by general law passed by a three-fifths vote of the membership of each house. Such law may be amended or repealed by like vote.

(b) In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

SECTION 17. Impeachment.—

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, ~~and~~ judges of circuit courts, ~~and judges of county courts~~ shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote ~~of the membership~~ shall have the power to impeach an officer ~~and upon the call of the speaker shall convene for this purpose whether or not the senate is in session.~~ The speaker of the house of representatives shall have power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and unless the governor is impeached he may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be tried by the senate. The chief justice of the supreme court, or another justice designated by him, shall preside at the trial, except in a trial of the chief justice or another justice, in which case the *presiding officer shall be a judicial officer other than a justice and selected in a manner provided by law* ~~governor shall preside.~~ The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the ~~membership members~~ of the senate ~~present~~. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT ARTICLE III, SECTIONS 3, 4, 8, 11, and 17

LEGISLATIVE SESSIONS, DISCIPLINE OF LEGISLATORS, CONSIDERATION OF VETOED BILLS, PROHIBITED SPECIAL LAWS, AND IMPEACHMENT PROCEDURES.—Proposing amendments to the State Constitution providing that the convening date of regular sessions of the Legislature may be fixed by law; allowing each house to discipline members by majority vote and to convene for such purpose whether or not the other house is in session; prohibiting a vetoed measure from being considered by the Legislature later than the adjournment of the next regular session; prohibiting special acts pertaining to dissolution of marriage rather than divorce; and providing for the impeachment and trial of judges of county court, requiring a vote of two-thirds of the membership of the House to impeach, allowing the House to convene for impeachment upon the call of the Speaker and to convene for such purposes whether or not the Senate is in session, specifying the presiding officer at impeachment trials of the Chief Justice or another justice of the Supreme Court, and requiring a two-thirds vote of the membership of the Senate for conviction in an impeachment trial.

SJR 9 as amended passed by the required constitutional three-fifths vote of the membership, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Anderson	Gordon	Kirkpatrick	Neal
Beard	Grizzle	Langley	Peterson
Carlucci	Hair	Lewis	Poole
Childers, D.	Hill	Margolis	Rehm
Dunn	Jenne	McClain	Renick
Frank	Jennings	McKnight	Scott
Gersten	Johnston	Maxwell	Skinner

Steinberg
Stevens

Stuart
Thomas

Tobiassen
Trask

Vogt

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 1 was corrected and approved.

The Journal of February 25 was corrected and approved as follows:

Page 248, column 2, line 23, strike "unlawful" and insert: lawful

On motion by Senator Dunn, the Senate adjourned at 12:29 p.m. to reconvene at 9:00 a.m., Wednesday, March 3.

Nays—None

Vote after roll call:

Yea—W. D. Childers

CO-INTRODUCER

Don Childers—SB 235